

04-01

1638

JUL 02 2003

PATENT & TRADEMARK OFFICE

AMENDMENT TRANSMITTAL LETTER				CLIENT-MATTER NO.: 66654-670 (P-LJ 4868)	
SERIAL NO.: 09/955,526		FILING DATE: September 12, 2001	EXAMINER: Cynthia Collins	GROUP ART UNIT:1638 CONFIRMATION NO.:8589	
INVENTION: PLANT CYTOPROTECTIVE GENES AND METHODS OF USING SAME					

TO: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL" MAILING LABEL NUMBER: EV 347544913 US

DATE OF DEPOSIT: July 2, 2003

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING
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37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE, AND IS
ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450
ALEXANDRIA, VA 22313-1450.

Paul Chor

(TYPED OR PRINTED NAME OF PERSON MAILING PAPER OR FEE)

Paul

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Transmitted herewith is a Response to the Restriction Requirement mailed June 2, 2003, in the above-identified application.

- Small Entity status of this application has been established under 37 CFR 1.27.
- Petition for Extension of Time is enclosed (in duplicate).
- Terminal Disclaimer with fee under 37 C.F.R. 1.20(d) is enclosed.
- No additional claims fee is required.
- An additional claims fee is required and has been calculated as shown below:

CLAIMS AS AMENDED

	NUMBER AFTER AMEND- MENT	HIGHEST NUMBER PREVIOUSLY PAID FOR		NUMBER OF EXTRA CLAIMS PRESENTED	RATE		FEE	
					SMALL ENTITY	OTHER ENTITY	SMALL ENTITY	OTHER ENTITY
TOTAL CLAIMS	25	46	-	0	x \$9	\$18	= \$0	\$
INDEPEN- DENT CLAIMS	6	10	-	0	x \$42	\$84	= \$0	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM		YES		X NO	\$140	\$280	= \$0	\$
					TOTAL ADDITIONAL FEE		\$0	\$

* If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 20, write "20" in this space.

** If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 3, write "3" in this space.

*** If the difference between the "NUMBER AFTER AMENDMENT" and the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 0, write "0" in the space.

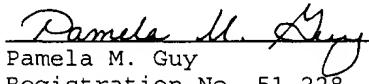
Inventor: John C. Reed
Serial No.: 09/955,526
Filed: September 12, 2001
Page 2

Please charge my Deposit Account No. 502624 the amount of \$_____, \$____ of which covers the fee for a ____-month extension of time. A duplicate copy of this sheet is enclosed. #1

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 502624. A duplicate copy of this sheet is enclosed.

The Commissioner is hereby authorized to charge to Deposit Account No. 502624 any fees under 37 CFR 1.17 which may be required under 37 CFR 1.136(a)(3) for an extension of time in any concurrent or future reply requiring a petition for extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



Pamela M. Guy
Registration No. 51,228
McDERMOTT, WILL & EMERY
4370 La Jolla Village Drive
7th Floor
San Diego, California 92122
858-535-9001



PATENT

Our Docket: 66654-670 (P-LJ 4868)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of) Group Art Unit: 1638
John C. Reed) Examiner: Cynthia Collins
)
Serial No: 09/955,526) CERTIFICATE OF MAILING BY "EXPRESS MAIL"
)
Filed: September 12, 2001) "EXPRESS MAIL" MAILING LABEL NUMBER: EV 347544913 US
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Paul Choi
(TYPED OR PRINTED NAME OF PERSON MAILING PAPER OR FEE)

Paul Choi
(SIGNATURE OF PERSON MAILING PAPER OR FEE)

RESPONSE TO THE RESTRICTION REQUIREMENT

Responsive to the Office Action mailed
June 2, 2003, consideration of the following remarks is
respectfully requested.

REMARKS

Claims 22 to 46 are pending. The Examiner alleges that
claims 22 to 46 are directed to three distinct and independent
inventions set forth as Groups I to III as follows:

Group I: Claims 22 to 28, directed to an isolated
nucleic acid molecule corresponding to
SEQ ID NO:3 or encoding SEQ ID NO:4;

Group II: Claims 29 to 43, directed to a
non-naturally occurring plant that